IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

SECURITIES AND EXCHANGE COMMISSION,	§
DI : 4:66	§
Plaintiff,	8
	8
v.	§ Civil Action No.: 4:19-cv-1774
	§
ANDREW I. FARMER,	§
EDDIE D. AUSTIN, JR.,	§
SCOTT R. SIECK,	§
CAROLYN P. AUSTIN,	§
and	§
JOHN D. BROTHERTON,	§
	§
Defendants.	§
	§

UNOPPOSED MOTION TO ENTER AGREED FINAL JUDGMENT AGAINST DEFENDANTS

Plaintiff U.S. Securities and Exchange Commission (the "Commission"), respectfully moves the Court for entry of the attached proposed Final Judgments ("Judgments") as to Defendants Andrew I. Farmer, Eddie D. Austin, Jr., Scott R. Sieck, Carolyn P. Austin, and John D. Brotherton ("Defendants"). In support of this motion, the Commission states as follows:

- 1. With this motion, the Commission contemporaneously is filing its Complaint with this Court.
- 2. The Commission has reached a settlement with all Defendants regarding the Commission's claims. Each Defendant consents to the entry of a Final Judgment against him/her. In addition to injunctive relief, Defendants have agreed to pay disgorgement, prejudgment interest thereon, and civil penalties as follows:
 - a. **Andrew Farmer**: Pay disgorgement in the amount of \$3 million, plus prejudgment interest thereon in the amount of \$276,076.29 for a total of \$3,276,076.29. The \$3,276,076.29 payment obligation shall be offset, up to

- the full amount of said payment obligation, by the sum total of any order of restitution and/or forfeiture entered against Defendant in *United States v.*Farmer, et al., Crim. No. 4:16-cr-00408 (S.D. Tex.).
- b. **Eddie D. Austin, Jr.**: Jointly and severally with Carolyn P. Austin, pay disgorgement in the amount of \$3 million, plus prejudgment interest thereon in the amount of \$276,076.29, for a total of \$3,276,076.29. The \$3,276,076.29 payment obligation shall be offset, up to the full amount of said payment obligation, by the sum total of any order of restitution and/or forfeiture entered against Defendant and/or Carolyn P. Austin in *United States v. Farmer, et al.*, Crim. No. 4:16-cr-00408 (S.D. Tex.).
- c. **Scott R. Sieck:** Pay disgorgement in the amount of \$2,750,000, plus prejudgment interest thereon in the amount of \$209,796.43, for a total of \$2,959,796.43. The \$2,959,796.43 payment obligation shall be offset, up to the full amount of said payment obligation, by the sum total of any order of restitution and/or forfeiture entered against Defendant in *United States v. Farmer, et al.*, Crim. No. 4:16-cr-00408 (S.D. Tex.).
- d. Carolyn P. Austin: Jointly and severally with Eddie D. Austin, Jr., pay disgorgement in the amount of \$3 million, plus prejudgment interest thereon in the amount of \$276,076.29, for a total of \$3,276,076.29. The \$3,276,076.29 payment obligation shall be offset, up to the full amount of said payment obligation, by the sum total of any order of restitution and/or forfeiture entered against Defendant and/or Eddie D. Austin, Jr. in *United States v. Farmer, et al.*, Crim. No. 4:16-cr-00408 (S.D. Tex.).

- e. **John D. Brotherton:** Pay disgorgement in the amount of \$1,500,000, plus prejudgment interest thereon in the amount of \$133,538.16, for a total of \$1,633,538.16. The \$1,633,538.16 payment obligation shall be offset, up to the full amount of said payment obligation, by the sum total of any order of restitution and/or forfeiture entered against Defendant in *United States v*. Farmer, et al., Crim. No 4:16-cr-00408 (S.D. Tex.).
- 3. Defendants have each executed the respective Consents and agree to the form of the respective proposed Final Judgments. A copy of each Consent is attached hereto as Exhibits A-E and a copy of each of the Judgments is attached hereto as Exhibits F-J.
- 4. The Commission respectfully requests that the Court enter the Final Judgments as to all Defendants.

Dated: May 15, 2019 Respectfully submitted,

s/ Matthew J. Gulde

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s/ Joshua E. Braunstein

Joshua E. Braunstein

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admission *pro hac vice* pending)

U.S. Securities and Exchange Commission

SEC v. Farmer, et al. UNOPPOSED MOTION TO ENTER FINAL JUDGMENT 100 F Street, NE Washington, DC 20549 Phone: (202) 551-8470 BraunsteinJ@sec.gov

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CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2019, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of the filing to all counsel who have registered with the Court. Additionally, I have caused a true copy thereof to be delivered by UPS, next day air, addressed to:

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SEC v. Farmer, et al.
UNOPPOSED MOTION TO ENTER FINAL JUDGMENT

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> <u>s/Matthew J. Gulde</u> Matthew J. Gulde